



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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P. MICHAEL FREEMAN
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July 3, 2007

JoAnn Jaschke, Environmental Scientist
California Environmental Protection Agency
Unified Program
P.O. Box 2815
Sacramento, CA 95812

Dear Ms. Jaschke:

LACoCUPA DEFICIENCY PROGRESS REPORT 1

The Los Angeles County CUPA was evaluated by the California Environmental Protection Agency, the Office of Emergency Services, the Department of Toxic Substances Control, the State Fire Marshal and the State Water Resources Control Board on March 28-29, 2007. The Summary of Findings dated April 20, 2007 identified several deficiencies and requested that quarterly status reports be sent indicating the progress taken to correct the noted deficiencies. Please find the enclosed Deficiency Progress Report 1 for your review and approval.

If you have any questions or comments, please contact Karen Coddling, Supervisor, Technical Services Unit at (323) 890-4033.

Very truly yours,

[Original signed by William Jones]

WILLIAM JONES, M.S., CHIEF
HEALTH HAZARDOUS MATERIALS DIVISION

WJ:kc

Enclosure

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLEN DORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWNDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Deficiency Progress Report 1

Status Report Submitted: July 3, 2007

**CUPA Name: County of Los Angeles Fire Department
Health Hazardous Materials Division
(LACoCUPA)**

Evaluation Date: March 28 and 29, 2007

Deficiencies and Corrective Actions

1. **Deficiency:** The permit is missing the state UST identification number(s).

Preliminary Corrective Action(s): By March 30, 2008, the LACoCUPA will amend their permit to include the state UST identification number(s).

CUPA's Progress Update 1: The LACoCUPA does not believe there is a need to amend their permit to include the State UST identification (ID) numbers. The regulations may require the State UST ID numbers to be included on the permit but the State Water Resources Control Board (SWRCB) does not collect any information using these numbers. After surveying all of the CUPAs in LA County, the LACoCUPA's four participating agencies that have the UST program, and Ventura CUPA, all were in concurrence that the State UST ID number served no useful purpose. They said that this issue was even brought up at a recent UST Technical Advisory Group (TAG) meeting and the SWRCB representative who was at the meeting was also in agreement. Therefore, the LACoCUPA requests that this deficiency be rescinded and that the regulations be amended as soon as possible to remove this provision.

Cal/EPA and SWRCB response: Cal/EPA and SWRCB have determined that the permit document does not have to show the UST ID number since the permit package includes identifying information that can be used to find the UST ID number. Therefore, Cal/EPA and SWRCB have rescinded this deficiency.

2. **Deficiency:** The LACoCUPA is not ensuring that the Participating Agencies (PA) are meeting the required program elements.

Preliminary Corrective Action(s): LACoCUPA will ensure that by June 30, 2007, the PA will inspect every underground tank system within its jurisdiction at least once every year. By September 30, 2007, the LACoCUPA will provide Cal/EPA with a plan that addresses how LACoCUPA will ensure their PAs are meeting the program requirements and begin implementing the plan.

CUPA's Progress Update 1:

- A. The Pasadena Fire Department has inspected all of the 74 UST sites in their jurisdiction by the required June 30, 2007 deadline.
- B. The LACoCUPA has had preliminary discussions by phone with the Agricultural Commissioner regarding deficiencies and necessary program improvements. They have been cited to correct the deficiencies noted during the oversight inspection and the LACoCUPA will be setting up training with their inspectors to improve program implementation and the need to refer sites to the LACoCUPA when regulated substances at reportable quantities are observed.

The farm that had the four 1 ton chlorine cylinders has been inspected by the LACoCUPA Cal-ARP inspector. The farm was issued a notice of violation to comply with various Cal-ARP requirements.

- C. At the last participation agency (PA) meeting the LACoCUPA discussed the mandatory requirement for all of the PA's to attend the meetings. Before the next PA meeting in August, an e-mail will be sent to the PA's stressing the importance of attending the mandatory PA meetings per their PA agreements.

Cal/EPA, OES, and SWRCB response: Cal/EPA, OES, and SWRCB consider this deficiency corrected. No further updates are needed for this deficiency.

- 3. Deficiency:** The LACoCUPA is not ensuring that businesses certify at least once every three years that they have reviewed their business plan and that necessary changes were made to the plan.

Preliminary Corrective Action(s): By September 30, 2007, the LACoCUPA will provide Cal/EPA with a plan that requires the businesses to certify at least once every three years that they have reviewed their business plans and the necessary changes were made to the plans

CUPA's Progress Update 1: There were four files that were examined during the evaluation and found to be out of compliance with the business plan requirements. The status of those facilities is as follows: One facility was out of business, two were cited and are now in compliance, and one was already in compliance but the business plan was not in the field file.

The LACoCUPA does an annual mail out for the hazardous materials program which includes a certification page, a summary of current business and inventory information, and blank forms if changes are required. If the facility does not comply with the program submittal requirements, a series of correction notices are sent which include penalties. Also, the inspector will verify if the facility is in compliance with program requirements during triennial field visits.

The LACoCUPA has settled a few cases for hazardous materials program violations using the AEO enforcement tool. In the future, a streamlined standardized AEO process is being developed to address the facilities that do not come into compliance with correction notices or late submittal penalties.

Cal/EPA and OES response: Cal/EPA and OES consider this deficiency corrected. No further updates are needed for this deficiency.

- 4. Deficiency:** The LACoCUPA is not meeting its inspection frequencies for businesses subject to the hazardous waste and tiered permitting program elements.

Preliminary Corrective Action(s): The LACoCUPA will ensure that all RCRA LQGs and Tiered Permitting sites that have not been inspected in the past three years are inspected by April 1, 2008.

CUPA's Progress Update 1: The LACoCUPA has a current inventory of 388 RCRA LQG sites and 491 tiered permit sites. Preliminary inspection numbers for last fiscal year 06/07 show 119 RCRA LQG and 160 tiered permit inspections have been conducted. These numbers are approximately at 33%, which is right on target for meeting the mandated inspection frequency. The current overdue inventory for these programs is 113 for RCRA LQG and 120 for the tiered permit program.

Cal/EPA and DTSC response: Cal/EPA and DTSC consider this deficiency in progress of being corrected. DTSC appreciates the CUPA's efforts to maintain a three year inspection cycle and the improvement shown in meeting this goal in FY 2006-07. Please update the CUPA's efforts to address the overdue inventory in the next deficiency progress report due October 11, 2007.

- 5. Deficiency:** The LACoCUPA's reporting does not adequately demonstrate that all Class I Hazardous Waste violations are having formal enforcement actions taken for them.

Preliminary Corrective Action(s): The LACoCUPA will provide a summary of the enforcement status of all facilities identified as having Class I hazardous waste violations in FY 2004/05 and FY 2005/06. This summary will be provided within 90 days. Additionally the LACoCUPA will ensure that the proper enforcement action was taken in each instance.

CUPA's Progress Update 1: The LACoCUPA is currently in the process of completing the list of enforcement action taken for class I violations noted during the past two fiscal years. This list will be provided upon completion and will be updated quarterly as to the status of any enforcement actions taken. Also, in the future a tracking spreadsheet will be added to the CUPA's internal quarterly reports to ensure enforcement action is taken whenever class I violations are noted.

Cal/EPA and DTSC response: Cal/EPA and DTSC consider this deficiency in progress of being corrected. DTSC appreciates the CUPA's efforts in identifying those facilities with Class I violations and their enforcement cases, and looks forward to seeing the list in the next deficiency progress report due October 11, 2007.